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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,982	08/29/2003	Nadi Sakir Findikli	u02-0208.39	1981
24239	7590	08/09/2005	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,982

Applicant(s)

FINDIKLI ET AL.

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-44, drawn to a method and mobile device for registering a licensed module in which a user access the mobile device, classified in class 455, subclass 414.1.
- II. Claims 45-58, drawn to an activation system for licensed modules in mobile devices, including time parameters so that a count of licensed modules can be maintained, classified in class 455, subclass 414.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as being used to register modules without requiring that a count of active licensed modules be maintained. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Steven Phillips on August 2, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-44. Affirmation of this election must be made by applicant in

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replying to this Office action. Claims 45-58 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14-15, 24-25, and 41-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The terms "delivery path" and "delivery path parameter" are not defined by the claim and are therefore indefinite.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-5, 10, 12, 14-15, 18, 20-22, 24-26, 28-29, 34, 36, 38, and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,794,142 to Vanttila et al.

Vanttila discloses all the elements/steps of independent claims 1 and 18, including a method or device of registering a licensed module in a mobile device (column 6, lines 14 to 40), comprising: (means for-claim 18) detecting the licensed module being initially accessed by a user of the mobile device (column 6, lines 17 to 19); (means for-claim 18) collecting module parameters, the module parameters comprising at least a module identifier (column 6, lines 15 to 25); (means for-claim 18) assembling a registration message comprising at least the module identifier (column 4, lines 3 to 25); and (means for-claim 18) sending the registration message from the mobile device to a module activation system corresponding to a destination address stored in the mobile device (column 6, lines 13 to 25).

The rejections of claims 1 and 18 are hereby incorporated. Vanttila also discloses all the elements of independent claim 26, including a mobile device comprising: a radio frequency block for sending messages over a telecommunication network (this is inherent in the mobile phone shown in Figure 1); and a processor platform for controlling the operation of the mobile device (Id.), the processing platform further comprising: at least one licensed module including module parameters comprising a module identifier (memory 24); and a

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module handler operable to collect the module parameters and cause a registration message to be assembled upon initial access of the licensed module by a user (this is inherent based on column 6, lines 15 to 25), the registration message comprising at least the module identifier (column 6, lines 15 to 25); wherein the processing platform is further operable to cause the mobile device to send the registration message through the RF block to a module activation system corresponding to a destination address stored in the mobile device (column 6, lines 13 to 25).

Vanttila also discloses all the steps/elements of claims 3 and 20, including receiving an acknowledgement message from the module activation system. See column 6, lines 33 to 36.

Vanttila also discloses all the steps/elements of claims 5, 10, 29, and 34, including wherein the sending of the registration message further comprises sending the registration message using SMS. See column 6, lines 13 to 15.

Vanttila also discloses all the steps/elements of claims 12 and 22, including requesting user approval of the sending of the registration message prior to sending the registration message. See column 6, lines 15 to 20.

Vanttila also discloses all the steps/elements of claims 14-15, 24-25, and 41-42, including selecting a delivery path for the registration message based on a delivery path parameter for (or from among the module parameters) the mobile device. See column 6, lines 13 to 25.

Vanttila also discloses all the steps/elements of claims 4, 21, and 28, including suspending, at least in part, operation of the licensed module pending

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the receipt of the acknowledgement message. This is inherent in that the user is unable to use the requested function until acknowledgement is received.

Vanttila also discloses all the steps/elements of claims 36 and 38, including wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address. See, column 6, lines 20 to 25.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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13. Claims 2, 8, 16-17, 19, 23, 27, 32, 37, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in view of Admitted Prior Art regarding encryption or alternatively U.S. Patent No. 6,260,141 to Park.

Vanttila teaches all the elements/steps of claims 2, 19, and 27, except explicitly teaching that the registration message prior to sending is encrypted. However, Applicants admit on page 15 of the originally filed specification that there are many known forms of encryption that may be used with wireless messaging. In addition Park teaches the use of known encryption techniques for accessing files. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Vanttila to include the ability to encrypt a registration message in order to provide an extra level of security and to allow flexible software registration. See park, column 1, lines 38 to 40.

As to claims 8, 16-17, 23, 32, 37, and 43-44, each of the additional elements has been addressed above.

14. Claims 6-7, 9, 11, 13, 30-31, 35, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in view of EP 1 246 428 to Nokia (Nokia).

Vanttila teaches all the elements/steps of claims 6-7, 9, 11, 30-31, 35, and 39-40, except explicitly teaching the use of WAP and DTMF as message protocols. However, Nokia teaches a method of updating a user's registration for software, such as a game, using WAP. See paragraphs 15-17, 31, and 39. In addition, Nokia also teaches that other transport mechanisms may be employed,

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such as WAP, SMS, or IMODE. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Vanttila so that other types of transport mechanisms would be used, as these other type of mechanisms are well known in the art as taught by Nokia. In addition, while not specifically listed, DTMF is a well known form of communicating information in phone systems and thus would be understood by one of ordinary skill in the art to be included in the list of possible mechanisms.

As to claim 13, the additional elements within this claim have been addressed above.

15. Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanttila in view of Admitted Prior Art as applied to claim 26 above, and further in view of Nokia.

The rejection of claims 30-31, 35, and 39-40 are hereby incorporated. Vanttila in view of Admitted Prior Art and further in view of Nokia teach all the elements of claim 13, including the use of WAP. See above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publications Nos. 2002/0157002 to Messerges et al. teaches a digital rights management method and system and 2004/0176080 to Chakravorty et al. teaches a method and apparatus for authorized distribution of digital content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number

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is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES

Nguyen V. O.
8-4-2005

NGUYENT.VO
PRIMARY EXAMINER